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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,771	09/18/2003	Roya Borazjani	P03191	1542

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EXAMINER

BOYER, CHARLES I

ART UNIT PAPER NUMBER

1751

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/666,771	BORAZJANI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charles I. Boyer	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/24/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Before citing the references against the present claims, the examiner would like to state for the record that due to the inordinate breadth of the present claims, the examiner maintains a thorough search is impossible. Poloxamers or Pluronics are extremely common nonionic surfactants for use in contact lens solutions, and the examiner estimates there are at least scores, if not hundreds of references that would anticipate at least claim 1 of the present invention. For purposes of this action, the examiner has taken into consideration the present invention as a whole, in order to identify the closest prior art, which art is cited below. Applicants should be aware, however, that there are many other references that could have been used. Any response to the references cited below that does not also address the fact that the claims are extremely broadly written, together with a clear statement of what applicants' consider to be the novelty of their invention, will not be successful in rendering these claims allowable.

Claims 1-8, 11-14, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Graham et al, US 6,063,745.

Art Unit: 1751

Graham et al teach multi-purpose solutions for contact lens care, an example of which comprises 1 ppm polyhexamethylene biguanide (PHMB), 0.05% poloxamer, chelant, buffer, tonicity agent, and the balance water (col. 8, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

2. Claims 1-8 and 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhang et al, US 5,604,189.

Zhang et al teach a contact lens cleaner comprising cationic cellulose polymer, PHMB, 0.05% poloxamer, chelant, buffer, tonicity agent, and the balance water (col. 12, example 39). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

3. Claims 1-13 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Asgharian et al, US 6,228,323.

Asgharian et al teach multi-purpose solutions for contact lens care comprising polyquaternium-1, poloxamer, buffer, pH adjustor, and the balance water (col. 16, example 5). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

4. Claims 1-8, 11-14, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Soyer et al, US 6,207,628.

Soyer et al teach multi-purpose solutions for contact lens care, an example of which comprises PHMB, poloxamer, chelant, buffer, tonicity agent, and the balance water (col. 4, example). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles I Boyer  
Primary Examiner  
Art Unit 1751

A handwritten signature in black ink, appearing to read "Charles I. Boyer", is positioned below the printed name and title.